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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,372	09/24/2003	Roderick B. Jagos	024.0038	1857

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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,372	JAGOS ET AL.	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, 15 & 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether applicant is claiming a transport for a rocket engine or a transport in combination with a rocket engine. With reference to line 4, will the transport only work for pinned rocket engines or will it apply to non-pinned rocket engines. See also claim 7, line 4, claim 15, line 4, and claim 16, line 4.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Morley et al (US 3,038,614).

With regard to claims 1 & 15, Morley et al. disclose a transport comprising a trailer 10 tail support member 13, 14 having a notch for a pin 68, and a chock assembly 12 which has a chock 16, 17 pivotably coupled to a trolley 11, 23, 24.

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With regard to claim 2, Morley et al. disclose a chock assembly 12 further comprising a bearing assembly 57, 58 coupling a chock 16, 17 to a trolley 11, 23, 24.

With regard to claim 3, Morley et al. disclose a chock assembly 12 further comprising a support bracket 12'.

With regard to claim 4, Morley et al. disclose a support bracket 12' is a trunnion 21, 22.

With regard to claim 5, Morley et al. disclose a chock assembly 12 comprising a second bearing assembly 57, 58 and a second cradle assembly 16, 17 having a second trunnion 21, 22.

With regard to claim 6, Morley et al. disclose a transport 10 further comprising a shaft connecting a first cradle 16, 17 to a second cradle 16, 17.

With regard to claim 7, Morley et al. disclose a transport 10 comprising a trailer 10 having a track 25, 26, and a tail support member 13, 14 having a notch for a pin 68, a chock assembly 12 comprising a chock 16, 17, trolley 11, 23, 24 a pair of bearing assemblies 57, 58 and a pair of cradle assemblies 16, 17, wherein each cradle assembly comprises a support bracket 12' coupled to a chock 16, 17 and a trunnion 21, 22.

With regard to claim 8, Morley et al. disclose a chock assembly 12 comprising a trolley 11, 23, 24 chock 16, 17 and a hinge 57, 58.

With regard to claim 9, Morley et al. disclose a trolley 11, 23, 24 interacts with a transport 10.

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With regard to claim 10, Morley et al. disclose a hinge 57, 58 comprising a bearing 57, 58 coupling a chock 16, 17 to a trolley 11, 23, 24.

With regard to claim 11, Morley et al. disclose a chock assembly 12 further comprising a cradle 16, 17 comprising a support bracket 12' coupled to a chock 16, 17 and having a trunnion 21, 22.

With regard to claim 12, Morley et al. disclose a chock assembly 12 further comprising a second bearing assembly 57, 58, second cradle assembly 16, 17 coupled to a chock 16, 17 and having a second trunnion 21, 22, and a shaft.

With regard to claim 13, Morley et al. disclose a chock assembly 12 comprising a trolley portion 11, 23, 24, chock 16, 17, having a curved portion hinge portion 57, 58 having a bearing assembly 57, 58.

With regard to claim 14, Morley et al. disclose a chock assembly 12 further comprising a cradle assembly 16, 17 comprising a support bracket 12', coupled to a chock 16, 17 and having a trunnion 21, 22.

With regard to claim 16, 17, Morley et al. disclose a trailer 10 having a track 25, 26, tail support member 13, 14, having a notch, for a pin 68, chock assembly 12 comprising a chock 16, 17, trolley 11, 23, 24, a pair of bearing assemblies 57, 58 and a pair of cradle assemblies 16, 17, each cradle assembly comprising a support bracket 12' coupled to a chock 16, 17, and having a trunnion 21, 22.

With regard to claim 17, Morley et al. disclose a chock assembly 12 comprising a trolley 11, 23, 24, chock 16, 17 having a support portion 16, 17 and a hinge 57, 58 having a bearing assembly 57, 58.

Response to Arguments

Applicant's arguments filed August 10, 2005 have been fully considered but they are not persuasive.

With respect to claims 1, 7, 15 & 16, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a chock which pivots about an axis perpendicular to a trailer axis) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, Morley's chock is capable of pivoting about an axis.

However, assuming a positive recitation of the limitation as argued by Applicant, Morley discloses an axis 20 perpendicular to a trailer axis. As the chock contained object is lifted into place axis 20 pivots downward creating a pivoting motion of chock about axis 20, else rocket would not be held horizontal. Morley's chock rotates about said axis "to elevate the device controllably to a predetermined height above the deck and to rotate the device about its longitudinal axis." Thus, Morley discloses the ability to pivot about an axis which is perpendicular to a trailer longitudinal axis. Further, Applicant is respectfully reminded to point out the patentable novelty which he or she

With respect to claims 8-14 & 17, Applicant argues that Morley's chock 16 does not support a rocket during transport. Applicant likely means that Morley's chock 16 does not touch a rocket as during transit it is chock 16 which provides lateral support as

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shown in Morley's FIG. 1A. Applicant further argues that Morley does not include hinging a chock to a trolley. However, and as mentioned above under claim 1 arguments, Morley discloses a chock with a pivot 20 which is perpendicular to a longitudinal trailer axis. Morley's chock 12 pivots about the axis 20 as a rocket elevates. The hinging action is apparently provided by elements 21 and 22 in Morley. Else the cradle would remain stationary.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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